



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : Lawrence O'Gorman et al. MAR 04 2004

Application No. : 09/681,655 OFFICE OF PETITIONS

Filed : May 16, 2001

For : ENCLOSURE AND BIOMETRIC DATA COLLECTION FOR
FINGERPRINT SENSOR DEVICE

Examiner : Samir Anwar Ahmed

Art Unit : 2623

Docket No. : 01-VD-093C1 (850063.585C1)

Date : March 1, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DAVID V. CARLSON IN SUPPORT
OF PETITION TO REVIVE UNDER 35 C.F.R. § 1.137

Commissioner for Patents:

I, David V. Carlson, declare and state that:

I am an attorney of record in this application and admitted to practice before the Patent and Trademark Office, Registration No. 31,153.

I, David V. Carlson, declare and state that:

The amendment response was timely filed on July 7, 2003.

As evidence that the amendment being timely filed attached hereto as Exhibit A is the Express Mail Customer copy having date stamped thereon July 7, 2003. This Express Mail bears the tracking number of EV 347012340 US, it has a handwritten date of 7/7/03 and the time 4:30 having been handwritten by the U.S. Postal Staff at Seattle, Washington. This Express Mail receipt is therefore evidence that the amendment was in fact timely filed on July 7, 2003.

Attached hereto As Exhibit B is a copy of the amendment that was actually filed. The match between the amendment as filed and the Express Mailing receipt can be seen in the upper right hand corner which has listed the same Express Mail confirmation number namely, EV 347012340 US. This response was to the office action mailed May 7, 2003, which had a shortened response time of one month. Accordingly, a response was made at the two month date and a one month extension of time was requested, making a response on July 7, 2003 a timely

response. A second copy of that response is included as Exhibit B, so that it may be entered by the U.S. Patent and Trademark Office in the event the response which was actually mailed on July 7, 2003 has been lost.

Attached hereto is Exhibit C is the return postcard from the U.S. Patent and Trademark Office. This postcard bears the Patent Office date stamp of July 7, 2003. Included with the postcard was the amendment and also a substitute specification. This postcard also bears the same express mail tracking number. The postcard has been stamped and returned by the U.S. Patent and Trademark Office, which is additional evidence that the amendment was timely filed.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Dated this 1st day of March, 2004.



David V. Carlson

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OFFICE OF PETITIONS

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EXHIBIT A